D. CR 1815
3-26-98
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PATENT
Attorney Docket No. 17634-5-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
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BRIAN R. MURPHY et al.)
)
Serial No. 08/892,403)
)
Filed: July 15, 1997)
)
For: PRODUCTION OF ATTENUATED)
RESPIRATORY SYNCYTIAL)
VIRUS VACCINES FROM)
CLONED NUCLEOTIDE)
SEQUENCES)

Examiner: B. Brumback

Art Unit: 1815

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants direct the Examiner's attention to the references below, also listed on the accompanying Form PTO-1449. A copy of each is also enclosed.

The following foreign patent publications are set forth by approximate publication date:

AA. International publication WO 93/21310 published October 28, 1993.

AB. International publication WO 97/12032 published April 3, 1997.

The following articles are set forth by the indicated year of publication date:

AC. Collins et al., "Production of Infectious Human Respiratory Syncytial Virus from Cloned cDNA Confirms an Essential Role for the Transcription Elongation Factor fromthe 5' Proximal Open Reading Frame of the M2 mRNA in Gene Expression and Provides a Capability for Vaccine Development," Proc. Natl. Acad. Sci. USA 92:11563-11567 (December, 1995).

AD. Connors et al., "A Cold-Passaged, Attenuated Strain of Human Respiratory Syncytial Virus Contains Mutations in the F and L Genes," Virology 208:478-484 (1995).

AE. Firestone et al., "Nucleotide Sequence Analysis of the Respiratory Syncytial Virus Sugroup A Cold-Passaged (cp) Temperature Sensitive (ts) cpts-248/404 Live Attenuated Virus Vaccine Candidate," Virology 225:419-422 (1996).

AF. Crowe, Jr., et al., "Acquisition of the ts Phenotype by a Chemically Mutagenized Cold-passaged Human Respiratory Syncytial Virus Vaccine Candidate Results from the Acquisition of a Single Mutation in the Polymerase (L) Gene," Virus Genes 13:269-273 (1996).

It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicants believe that their invention as claimed is patentable over the above references taken alone or in any combination. However, Applicants reserve the right to demonstrate that their claimed invention was made prior to any one or more of the above-identified references. No inference should be drawn as to the pertinence of the references based on the order in which they are presented.

Applicants respectfully request that the Examiner review the foregoing references to make his own determination of the patentability of the present invention and that the references be made of record in the file of this application.

This Information Disclosure Statement is being filed before the mailing date of the first Office Action and after three months of the filing date, but prior to the Notice of Allowance or Final Office Action.

CERTIFICATION

I hereby certify that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. A copy of the International Search Report dated December 12, 1997, is attached.

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees necessitated by this transmittal to Townsend and Townsend Deposit Account No. 20-1430.

Respectfully submitted,

Date: March 12, 1998 By: _____
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References
International Search Report